

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MAXIMIANO OCHOA,

Defendant.

8:13-CR-252

ORDER

This matter is before the Court on the defendant's Motion to Modify Supervised Release Conditions (filing [108](#)). The motion will be granted.

At the defendant's sentencing, the Court imposed the special conditions of supervised release set out in the probation officer's sentencing recommendation, including the condition that "the defendant shall not purchase or possess, use, distribute, or administer any alcohol . . . ." However, as reflected in the presentence report, the defendant is gainfully employed at Upstream Brewery, and the Court did not intend for the defendant to be forced to discontinue his employment there.

The Court may modify a defendant's conditions of supervised release at any time prior to the expiration or termination of the term of supervised release, after considering certain of the [18 U.S.C. § 3553\(a\)](#) factors. *See* [18 U.S.C. § 3583\(e\)\(2\)](#). The Court may do so without a hearing if the relief is favorable to the defendant, does not extend the period of supervised release, and if the government has received notice and an opportunity to object and has not done so. [Fed. R. Crim. P. 32.1\(c\)\(2\)](#). The government has been contacted with respect to the defendant's motion and has indicated that it has no objection.

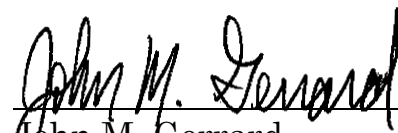
The Court will, therefore, modify the defendant's condition of supervised release to provide that the defendant shall not consume alcohol, and shall not possess, use, distribute, or administer any alcohol *except* as required by his duties while lawfully working at his place of employment. The defendant's judgment of conviction will reflect the terms of this order. The probation officer will also be directed to provide the defendant with a written statement of conditions that reflects the modification granted by this order. *See* [18 U.S.C. § 3583\(f\)](#).

IT IS ORDERED:

1. The defendant's Motion to Modify Supervised Release Conditions (filing 108) is granted.
2. As a condition of supervised release, the defendant shall not consume any alcohol, and shall not possess, use, distribute, or administer any alcohol except as required by his duties while lawfully working at his place of employment.
3. The United States Probation Officer shall provide the defendant with a written statement setting forth all the conditions to which the defendant's term of supervised release is subject, as modified by this order and reflected in the defendant's judgment of conviction.

Dated this 30th day of June, 2014.

BY THE COURT:

  
\_\_\_\_\_  
John M. Gerrard  
United States District Judge